IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18701 of 2004

Between:

T.Anjaiah, S/o.Anjaiah,
R/o.Korisapadu village & Mandal, prakasam Dist.

..... PETITIONER

AND

1 The Dist.Collector, Prakasam Dist. at ongole.
2 The Joint Collector, Prakasam Dist.at Ongole.
3 The R.D.O. Ongole, Prakasam Dist.
4 The M.R.O., Korisapadu Mandal, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the 3rd respondent in issuing impugned proceedings Rc.C.1264 /2004, dated 14-9-2004 suspending the authorisation of the petitioner without conducting any enquiry or notice and further action of the 2nd respondent in rejecting the stay application made by the petitioner in appeal filed by the petitioner vide proceedings D.Dis(CS2/3620/2004, dated 4-10-2004 as highly illegal, arbitrary and violative of Art. 14 and 21 of the constitution of India and consequently set aside the same.

Counsel for the Petitioner : MR. G.V.SHIVAJI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITON NO.18701 OF 2004

ORAL ORDER :

Petitioner is the fair price shop dealer of Korisapadu Village and Mandal, Prakasam District. His authorization was suspended by the 3rd respondent – Revenue Divisional Officer, Ongole, vide proceedings dated 14-09-2004 pending enquiry into the alleged irregularities in distribution of the essential commodities to the cardholders. Aggrieved by the same, the petitioner preferred an Appeal before the 2nd respondent – Joint Collector, Ongole along with an application seeking stay of the order of suspension. The Joint Collector, Ongole, by order dated 04-10-2004 disposed of the appeal with a direction to the Revenue Divisional Officer, Ongole, to complete the enquiry initiated against the petitioner within a period of two weeks after giving reasonable opportunity of personal hearing to the petitioner. Challenging the said order, this writ petition has been filed.

I have heard the learned Counsel for the petitioner and the learned Government Pleader Civil Supplies appearing for the respondents.

The learned Counsel for the petitioner contends that all the allegations made against the petitioner are false and without any basis and therefore the first respondent ought to have set aside the order of suspension dated 14-09-2004.

Admittedly, the enquiry initiated against the petitioner is pending before the Revenue Divisional Officer, Ongole (3rd respondent). The petitioner states that he has submitted his explanation. If that be so, it is for the Revenue Divisional Officer, Ongole, to conduct enquiry and to record findings with regard to the correctness of the allegations made against the petitioner and to pass appropriate orders in accordance with law. The 2nd respondent while considering the appeal against the order of suspension pending enquiry is not required to go into the correctness of the allegations made, but the only question that requires to be considered is whether the suspension of authorization is warranted in the facts and circumstances of the case.

As can be seen from the impugned order dated 04-10-2004, the Joint Collector, Ongole opined that in view of the nature of the allegations made, it is a matter for enquiry by the Revenue Divisional Officer and accordingly the Revenue Divisional Officer, was directed to complete the enquiry within two weeks. I do not see any justifiable reason to interfere with the said order.

Accordingly, the Writ Petition is disposed of with a direction to the Revenue Divisional Officer, Ongole, to complete the enquiry initiated against the petitioner in terms of the orders of the Joint Collector, Ongole. No costs.

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13th October, 2004.

gbs

To

1 The Dist.Collector, Prakasam Dist. at ongole.
2 The Joint Collector, Prakasam Dist.at Ongole.
3 The R.D.O. Ongole, Prakasam Dist.
4 The M.R.O., Korisapadu Mandal, Prakasam Dist.

5.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

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